

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2004/000833

International filing date (day/month/year)
01.12.2004

Priority date (day/month/year)
18.12.2003

International Patent Classification (IPC) or both national classification and IPC
A63F3/02

Applicant
GOLAD, Adar

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000833

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
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International application No.
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 11,12,17-19

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 11,12,17-19 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the whole application or for said claims Nos.

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2004/000833

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	4-10,14,
	No: Claims	1,2,3,15,16
Inventive step (IS)	Yes: Claims	4-10,14
	No: Claims	1,2,3,15,16
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Dependent claims 11, 12, 17, 18 and 19 are so unclear (Article 6 PCT) that no opinion can be given on these claims at this stage of the proceedings.

Re Item V.

1 Reference is made to the following documents:

D1 : US 5 833 240 A (BARBOUR) 10 November 1998 (1998-11-10)

D2 : GB 1 516 069 A (MCCARTHY) 28 June 1978 (1978-06-28)

D3 : US 4 603 863 A (MEYER) 5 August 1986 (1986-08-05)

D4 : FR 2 695 325 A (SLAMA) 11 March 1994 (1994-03-11)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A party game device including a board (10) and a number of flat playing pieces (20), wherein the board comprised a number of playing sections (14), the playing sections having a first surface with a supporting face (16) for the playing pieces (20), and wherein at least one side (22, 24) of the playing piece (20) is provided with a second surface comprising a second supporting face (22) for supportive contact with the first supporting face (See fig. 2, and 4), wherein the first and second surface comprise edge surfaces situated at the edges of the playing pieces and are spaced apart (see-fig. 3 and cf. col. 3, ln. 16-34).

3 INDEPENDENT CLAIM 13

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 is also not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document): The only different feature to the independent claim 1 is in fact only the functional tilting feature of the playing pieces. This however is also known in the art as is disclosed in D1 (cf. col. 3, ln. 51 and fig. 3 and 4b).
- 3.2 In fact, the present independent claims 1 and 13 define the subject matter in such broad terms that any of the cited prior art documents D1-D4 may be used as the closest prior art document, any of which is disclosing all the defined features in the above named claims such that these claims do not fulfill the requirement of the Article 33(1) PCT in the sense of Article 33(2) PCT.

4 DEPENDENT CLAIMS 2, 3, 15 and 16

Dependent claims 2, 3, 15 and 16 also does not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). These features are also known from any of the documents cited in the search report D1-D4 (for claims 2 and 3, see D1 and fig. 2 and for claim 15 see D2 fig. 4)

5. DEPENDENT CLAIMS 4 OR 14.

Dependent claims 4 or 14 seem to fulfill the requirements of Article 33 (2) and (3) PCT since none of the present cited prior art documents mention a 'first surface having vertical recesses' or an 'elevation in the first surface surrounded by a lowered step'. These features which define in fact the same subject matter through other words, help in tilting the playing piece even easier resulting in an easy removal of a playing piece without touching the adjacent playing pieces (cf. present application page 5, ln. 16-23).